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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,149	09/16/2003	Juan F. Valdez	1-23718	2155
27210	7590	11/17/2005	EXAMINER	
MACMILLAN, SOBANSKI & TODD, LLC ONE MARITIME PLAZA - FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,149	Applicant(s) VALDEZ, JUAN F.	
	Examiner David Dunn	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/03, 1/31/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed December 22, 2003 and January 31, 2005 are acknowledged. See enclosed IDS forms.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is dependent from itself; therefore the limitations of this claim are unknown.

For purposes of examination on the merits, it is assumed that claim 13 depends from claim 12.

Claim 15 is indefinite as it recites "a pressurizing device" which was previously recited in claim 1. It is unclear if this is the same "pressurizing device" or not. Additionally, claim 15 recites "said pressurizing devices" (plural); there is no antecedent basis for "said pressurizing device"; it is unclear how many pressurizing devices are being claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Vlahovic (DE 19963068).

Vlahovic discloses a vehicle frame assembly comprising: a plurality of structural members (see Figures 6-8); and a pressurizing device ("pressure generator"; Abstract) that communicates with an interior portion and is responsive to a predetermined condition for increasing the magnitude of pressure in the interior portion (see Abstract). The frame includes side rails and cross members (see Figure 8). The structural members are closed channels with internal plates (surrounding 23, see Figures 7-9). Regarding claim 15, there is a plurality of interior portions (see Figure 8, etc.).

6. Claims 1, 3, 5-7, 9, 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 5,727,815).

Smith discloses a vehicle frame assembly comprising: a plurality of structural members (12); and a pressurizing device 24) that communicates with an interior portion and is responsive to a predetermined condition for increasing the magnitude of pressure in the interior portion (see column 3, lines 14-20). The structural members are closed channel (see Figure 2). The pressurizing device is supported within an opening (16) formed through one of the structural member. The pressurizing device is secured (weld 30) to the structural member. The pressurizing device includes a hollow housing (33) having a plurality of apertures (34). The pressurizing device includes a quantity of material (70; see Figure 3) capable of expanding. The pressurizing device includes an actuating mechanism (36, Figure 2; see also 80, Figure 3). The

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assembly includes a control system (39) for controlling the operation of the pressurizing device; and a sensor (see for example, column 3, lines 60-65).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Wagner (2,344,378).

Smith is discussed above but does not show a ladder frame assembly.

Wagner shows a ladder type frame assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith with the teachings of Wagner to provide a ladder frame assembly in order to provide a structurally secure frame.

9. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Wipasuramonton (5,116,080).

Smith is discussed above but fails to show the pressurizing device including a liner.

As shown by Wipasuramonton, it is old and well known to provide a gas generator with a liner (14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith with the teachings of Wipasuramonton to provide the pressurizing device with a liner in order to better seal the pressurizing device.

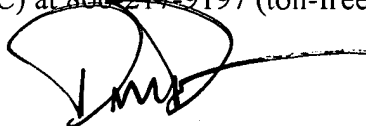
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gibby shows a pressurized structural member.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
Art Unit 3616